

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Johnny Lee Darden

Docket No. 4:13-CR-27-1BO

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Johnny Lee Darden, who, upon an earlier plea of guilty to Possession of Firearms by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 2, 2013, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On June 17, 2014, pursuant to 18 U.S.C. §§ 3742(f)(1) and (2), the original sentence was vacated, and the defendant was resentenced to the custody of the Bureau of Prisons for a term of 30 months, with credit for time served, and 3 years supervised release.

Johnny Lee Darden was released from custody on April 15, 2015, at which time the term of supervised release commenced.

On October 1, 2015, a Petition for Action was presented to the court advising that Darden pleaded guilty to Misdemeanor No Operators License on September 28, 2015, in Edgecombe County District Court, Tarboro, North Carolina. At that time, it was also reported that on July 27, 2015, Darden was cited in Edgecombe County, North Carolina, for Driving While License Revoked-Impaired Revocation. As a sanction for these violations, Darden was required to abide by the conditions of the Home Detention Program for 30 consecutive days.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 22, 2016, the defendant tested positive for cocaine, which was confirmed by laboratory analysis on March 28, 2016. The defendant signed an admission of drug use form acknowledging his use of powder cocaine on March 19, 2016. He was verbally reprimanded for his drug use and counseled about his actions. As a sanction for this violation, we are respectfully recommending that the defendant serve two (2) days incarceration in the Bureau of Prisons and that he participate in the DROPS Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

3. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn
Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2335
Executed On: April 8, 2016

ORDER OF THE COURT

Considered and ordered this 3 day of May, 2016 and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge